



MONITORING

&

COMPLIANCE REPORT

JULY 1, 2013 - SEPTEMBER 30, 2013

TABLE OF CONTENTS

Executive Summary	1
Introduction	2
Breakdown of Contacts	3
Programming Content Compliance	4
Technical Compliance	7
Technical Complaints	8
Customer Service Complaints	10
Complaints Resolution	12
Financial Compliance	14
Notices of Breach	17
Tables:	
Table 1 - Content Standards Reports	5
Table 2 - Technical Monitoring	7
Table 3 - Technical Standards Complaints	8
Table 5 - Resolution of Complaints by Licensee	11
Table 6 - Resolution of Complaints by Category	12
Table 7 - STV Financial Compliance	13-15
Table 8 - Breaches	16
Charts:	
Figure 1 - Content Standards Reports Trends: 2009-2012	6
Figure 2 - Technical Standards Reports Trends: 2009-2012	9
Figure 3 - Customer Service Standards Reports Trends: 2009-2012	10
Figure 4 - STV Licence Fee Payment	15
Figure 5 - Trend in Total Breaches, 2009-2012	16

EXECUTIVE SUMMARY

BCJ- Quarterly Monitoring & Compliance Report

(July – September 2013)

During the period July – September 2013, one notice of breach of licence was issued to a broadcast radio operator and twenty three (23) to subscriber television operators. The number of notices of breach issued, when compared to the previous quarter, increased by 20% (April - June 2013).

One hundred and twelve (112) contacts were recorded for the period July - September 2013. Of this number, fifteen (15) contacts resulted in investigations of broadcast radio and television operators and subscriber television operators. The remaining ninety-seven (97) were queries and comments about the work of the Commission.

Eleven (11) contacts resulted in investigations of complaints about content transmitted by broadcast radio and television licensees. This represents an increase of 120% when compared to the previous quarter. Of the remaining four (4) contacts, two (2) related to poor audio and video signals of subscriber television operators and two (2) were regarding technical interference by a subscriber television operator.

Three (3) subscriber television licensees were inspected during the period under review to determine their compliance with technical standards.

In relation to the payment of the annual licence fee, fifteen (15) subscriber television (STV) operators, or 38% of all licensees paid in full; ten (10) or 26% made partial payments and fourteen (14) or 36% were non-compliant. There was a decrease in the number of full payments recorded when compared to the previous quarter. However, the number of non-compliant licensees increased from twelve (12) to fourteen (14), an increase of 17%.

INTRODUCTION

Contacts with the Commission

One hundred and twelve (112) contacts were recorded for the period, July – September 2013. Those contacts resulted in fifteen (15) investigations and twenty four (24) Notices of Breach of licence.

The investigations led to the issuance of one (1) notice of breach for content standards. Of the remaining twenty-three (23), twenty (20) notices of breach resulted from the Commission's internal investigation of Copyright issues and the remaining three (3), for failure by subscriber television operators to maintain technical standards.

BREAKDOWN OF CONTACTS

	July 2013	August 2013	September 2013	TOTAL
Information Requested	28	19	21	68
Licensees' Application process	4			4
Concern about transmission of Government Minister dancing suggestively			2	2
Complaints received & investigated	4	8	3	15
STVO loss of service- Redress	3			3
Information about audience share for the broadcast media			3	3
Flow's removal of the Fox Movie Channel		2		2
Digital Switchover			2	2
Difficulty Accessing BBC		6		6
Poor technical service from Stars Cable		7		7
TOTAL	39	42	31	112

PROGRAMMING CONTENT COMPLIANCE

The Commission investigated eleven (11) complaints in relation to the broadcast of problematic content. This represented an increase of 120% over the corresponding period April- July 2013.

Table 1 details the complaints investigated relating to programming standards between July to September 2013, and the nature of the investigations conducted by the Commission.

Figure 1 illustrates the trend in programming standards complaints investigated in similar reporting periods since 2010.

Table 1

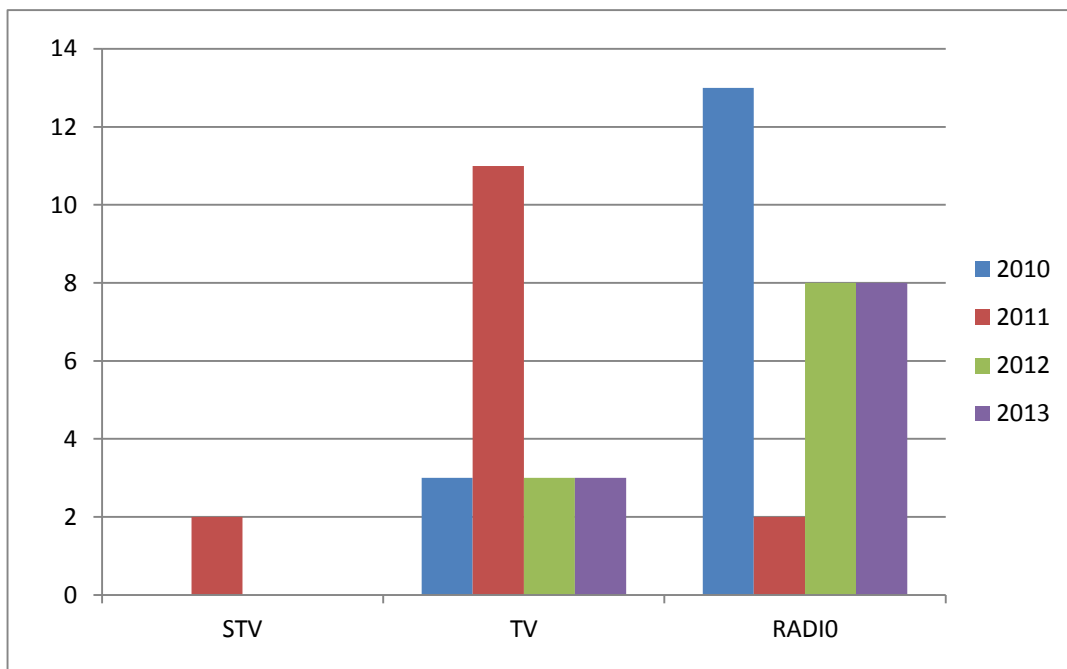
Content Standards Complaints Investigated: July – September 2013

	Transmission of expletive	Transmission of sexual suggestive lyrics	Guest on radio programme purporting to be giving medical advice	Song with graphic sexually explicit lyrics	Sampling of alcohol in a morning time programme	Airing of commercial mentioning tobacco	Airing of comments promoting violence against women	Transmission of profanity	
Mother in Crisis (Sun City Radio)	1								1
Mustard Seed Communities (Roots FM)	1						1		2
Television Jamaica Limited	1	1			1				3
Cornwall Broadcasting(Mello)		1	1						2
Grove Broadcasting(Irie FM)				1					1
Independent Radio (Power 106)						1			1
Radio Jamaica (Fame)								1	1
Total	3	2	1	1	1	1	1	1	11*

*** Complaints listed above include allegations that may not have necessarily resulted in findings of breach.**

Figure 1:

Content Standard Complaints Investigated
Trends for July – September Quarter – 2010 to 2013



	2010	2011	2012	2013
STV	0	2	0	0
TV	3	11	3	3
RADIO	13	2	8	8

TECHNICAL COMPLIANCE

TECHNICAL MONITORING

The facilities of three (3) subscriber television operators were inspected to determine their compliance with the technical standards set out in law.

Table 2- Shows the subscriber television licensees inspected and the areas of technical non-compliance identified.

Table 2: Technical Monitoring: July – September 2013

	LICENSEE INSPECTED	NON-COMPLIANCE DETECTED	STATUS
1.	Tru- Star Cable Television Network Limited	17(1)(h) Breach of Licence (1)	Breach letter issued to Licensee July 19, 2013.
2.	Modern Company Rebroadcasting Limited	17(1)(h), 17(4)(b)	Meeting held with licensee on July 18, 2013 and licensee was given six (6) weeks to address breaches.
3.	Direct Cable Systems Limited	17(1)(b), 17(1)(h), 17(4)(b) Breach of Licence 1 & 2	Breach letter issued to Licensee October 10, 2013.

For the period under review there were (4) complaints relating to technical quality of STV service. Two (2) complaints were related to poor audio and video signals of subscriber television operators and the remaining two related to technical interference by a subscriber television operator. This represents a 300% increase in the number of complaints received when compared to the period April- June 2013.

Table 3 displays the nature of Technical Standards complaints investigated for the period July – September 2013.

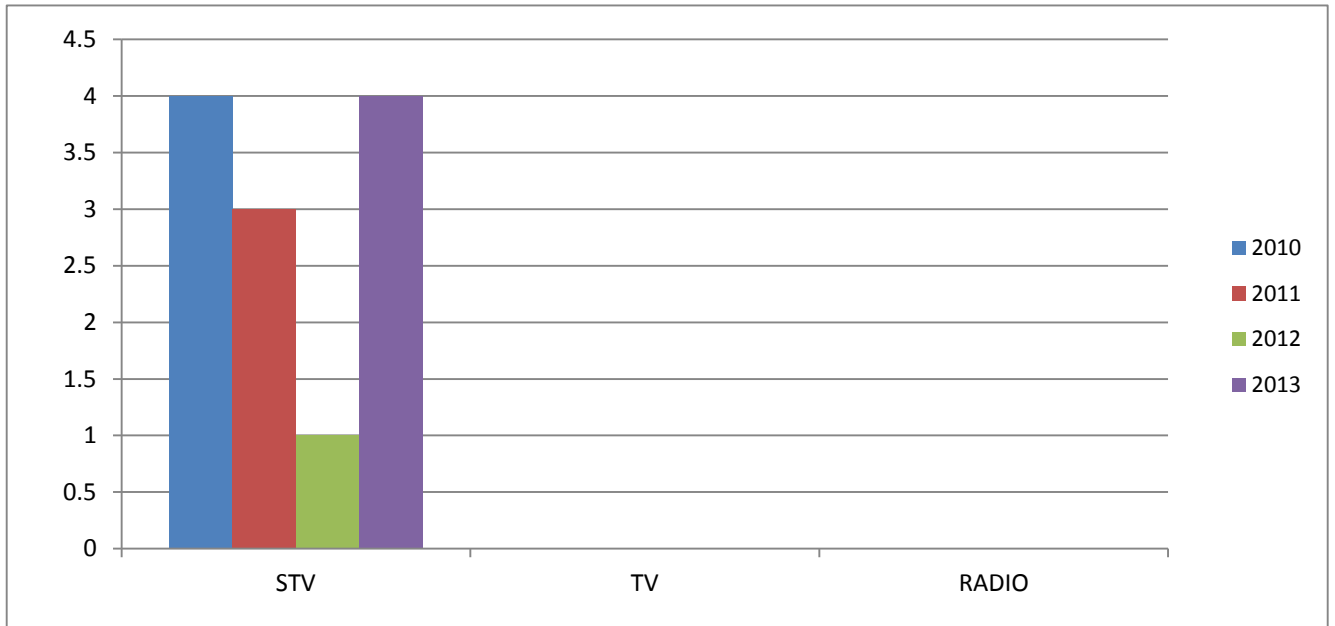
Table 3
Technical Standards Complaints
July - September 2013

	Poor Audio & Video Signals	Interference with complainants infrastructure	TOTAL
Stars Cable Limited	1		1
CTL	1		1
Columbus Communications Ltd.		2	2
TOTAL	2	2	*4

***Complaints listed above include allegations that may not have necessarily resulted in findings of breach.**

Figure 2 illustrates the trend in technical standard complaints received in similar reporting periods since 2010.

Figure 2
Technical Standards Report Trends for July - September Quarter
2010 to 2013



	2010	2011	2012	2013
STV	4	3	1	4
TV	0	0	0	0
RADIO	0	0	0	0

CUSTOMER SERVICE COMPLAINTS

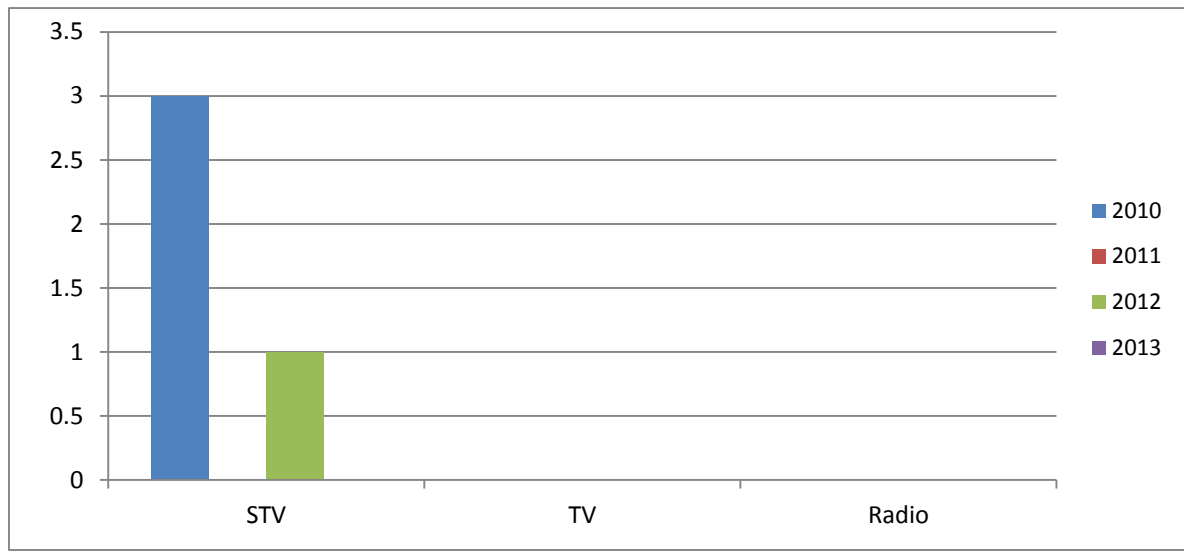
There were no customer service complaints that resulted in an investigation for the period under review.

Figure 3 illustrates the trend in customer service complaints received in similar reporting periods since 2010.

Figure 3

Customer Service Complaints Trends

July – September Quarter – 2010 to 2013



	2010	2011	2012	2013
STV	3	0	1	0
TV	0	0	0	0
RADIO	0	0	0	0

COMPLAINTS RESOLUTION

Except for matters that fall outside the Commission's mandate, all reports of possible breaches of licence are investigated. As soon as investigations are completed, the complainants and the relevant licensees are notified of the outcome. At this point the Commission considers the matters resolved.

Four (4) investigations were resolved between July - September 2013.

Table 5

Resolution of Complaints by Licensee

	No. of investigated complaints Resolved
Subscriber Television	1
Broadcast Television	1
Broadcast Radio	2
Total	4

Table 6
Resolution of Complaints by Category

CATEGORY		TOTAL
Closed – Commission Investigation Complete		
Broadcast Radio	1	1
Closed – Required Remedial Action Taken		
Broadcast Radio	1	1
Closed – No evidence of Breach		
Broadcast Television	1	1
Closed To Complainants Satisfaction		
Subscriber Television	1	1
Total	4	4

STV LICENSEES FINANCIAL COMPLIANCE for quarter ended SEPTEMBER 30, 2013

LICENSEES		SUBMISSION OF AUDITED FINANCIAL STATEMENTS FOR YEARS:					LICENCE FEES		
		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliant
1	Astra Technology Ltd.	yes	yes	yes	yes	no	✓		
2	Cable One Jamaica Ltd.	no	yes	yes	yes	no			✓
3	Cabletron Network Systems Ltd.	no	yes	yes	yes	no		✓	
4	Central Communication Services Ltd.	yes	yes	yes	yes	no	✓		
5	Columbus Communications - FLOW	yes	yes	yes	yes	yes	✓		
6	Combined Communications Ltd.	yes	no	no	no	no		✓	
7	Communicable Ltd.	no	no	no	no	no			✓
8	Cornwall Communications Ltd.	yes	yes	yes	no	no	✓		
9	CTL Limited	no	no	no	no	yes	✓		
10	Digital Media & Entertainment Ltd.*	n/a	n/a	n/a	no	no			
11	Direct Cable Systems Ltd.	n/a	n/a	no	no	no			✓
12	First Choice Cable	yes	yes	yes	yes	no	✓		
13	General Satellite Network Company	yes	yes	yes	yes	no			✓
14	Guthrie's Communications Ltd	yes	yes	yes	yes	no			✓
15	Inntech Communications Ltd.	no	no	no	no	no	✓		
16	Jamaica Cablevision Ltd.	yes	yes	yes	yes	no	✓		
17	Linscom Network Limited	yes	yes	yes	no	yes	✓		
18	Logic One Limited	yes	yes	yes	yes	no	✓		
19	Marimaxx Communications Ltd.	yes	no	no	no	no			✓
20	Mars Cable Vision Ltd.	yes	yes	yes	yes	yes		✓	
21	McKoy's Cable Television Co. Ltd.	n/a	n/a	no	no	no			✓
22	Mega International Co. Ja. Ltd.	no	no	no	no	no			✓
23	Mikes Electronics & Cable Network Ltd.	no	no	no	no	no	✓		
24	Modern Re-Broadcasting Co. Ltd.	yes	yes	yes	yes	yes	✓		

		2008	2009	2010	2011	2012	Paid in Full	Partial Payment	Non-Compliant
25	Odyssey Cable Vision Limited	yes	yes	yes	yes	no	✓		
26	Oliver Electronics Engineering Ltd.	yes	no	no	no	no		✓	
27	QES 46 Limited	yes	yes	no	no	no		✓	
28	Santastic Cable Systems Ltd.	yes	yes	yes	yes	yes		✓	
29	Silly Video Cable Network Limited	yes	yes	no	yes	yes	✓		
30	Starcom Cablevision Ltd.	yes	yes	no	no	no			✓
31	Stars Cable Company Ltd.	no	yes	no	no	no		✓	
32	St. Thomas Cable Network Limited	no	no	no	yes	no			✓
33	Summit Satellite Systems Limited	yes	yes	yes	no	no	✓		
34	Telstar Cable Limited	yes	yes	no	no	no			✓
35	Total Cable	yes	yes	yes	no	no			✓
36	Tru Star Cable Television Network	n/a	no	no	no	no		✓	
37	Unique Vision Cable Co. Ltd.	yes	no	no	no	no			✓
38	Venus Cable Services	no	no	no	no	no			✓
39	Westar Communications Limited	yes	no	no	no	no		✓	
40	Wilson Enterprises Limited	yes	yes	yes	no	no		✓	

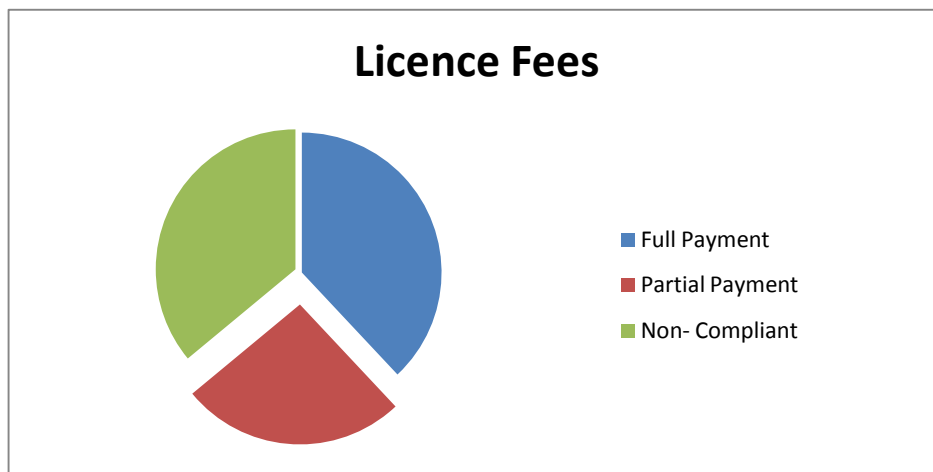
- *The Licensee Digital Media and Entertainment Ltd. is currently not in operation, and therefore was not used in the calculation.

- **FINANCIAL COMPLIANCE**

- STV operators are required to pay an annual licence fee of five percent (5%) of their gross subscription income.

Aggregate payment performance is illustrated in **Figure 4**

Figure 4



Full Payment **38 %**

Partial Payment **26 %**

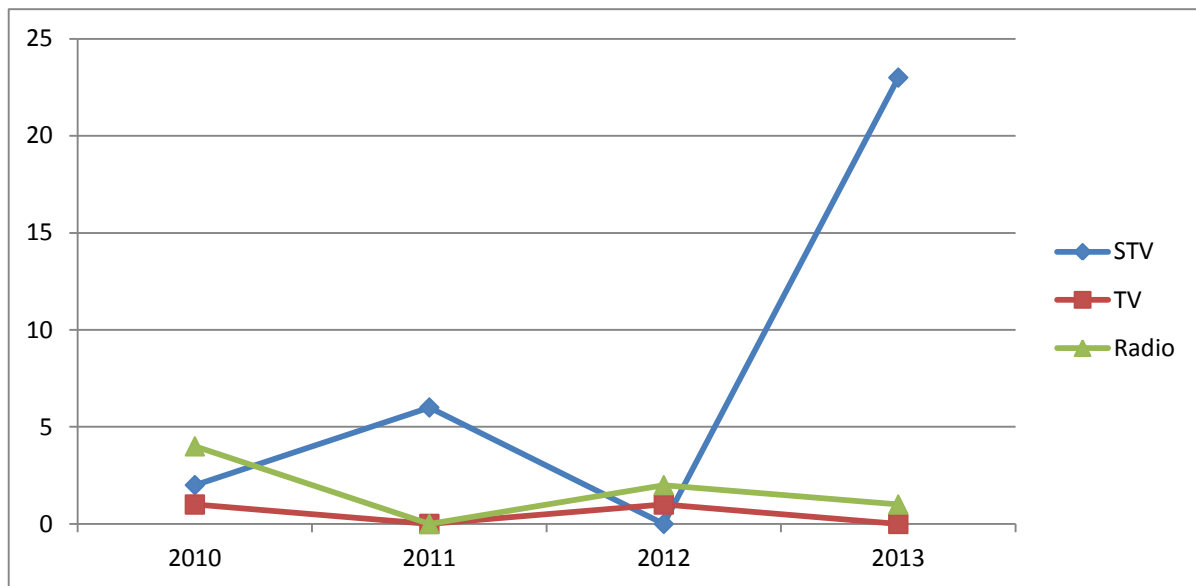
Non- Compliant **36%**

NOTICES OF BREACH

During the period under review, twenty four (24) Notices of Breach were issued to licensees. One (1) breach of notice arose from the contravention of content standards, twenty (20) were related to breaches of the Copyright Act by Subscriber Television Operators and three (3) for the failure to maintain technical standards.

Figure 5

TREND IN BREACHES COMMITTED BY SERVICE



	2010	2011	2012	2013
STV	2	6	0	23
TV	1	0	1	0
RADIO	4	0	2	1

Table 8

BREACH BY BROADCAST RADIO LICENSEES

Grove Broadcasting Company Ltd. (ZIP)

DATE OF BREACH:	July 31, 2013
COMPLAINT NUMBER:	2013060601
NATURE OF COMPLAINT:	Transmission of song with violent lyrics
NATURE OF BREACH:	Licensee in breach of the scheduling requirements of the Children's Code for Programming
COMMISSION DECISION:	Licensee in breach.
REMEDIAL ACTION:	No sanction applied, considering age of song.
STATUS:	Closed

BREACHES BY SUBSCRIBER TELEVISION LICENSEES

Central Communications Services

DATE OF BREACH:	July 17, 2013
NATURE OF BREACH:	Failure to maintain technical standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Areas on non-compliance addressed
STATUS:	Closed

Jamaica Cablevision Limited

DATE OF BREACH:	July 17, 2013
NATURE OF BREACH:	Failure to maintain technical standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Breach letter issued to Licensee
STATUS:	Open

Stars Cable Company Limited

DATE OF BREACH:	July 17, 2013
NATURE OF BREACH:	Failure to maintain technical standards
COMMISSION DECISION:	Licensee in breach
REMEDIAL ACTION:	Breach letter issued to Licensee
STATUS:	Open

BREACH OF LICENCE

Channels Transmitted Without Evidence of Programming Permission

1. Mars Cable
2. Westar Communication
3. Silly Video Cable
4. Oliver Electronics
5. FLOW
6. Inntech Communications
7. Cornwall Communications
8. First Choice Cable
9. Combined Communications
10. Central Communications
11. Communicable Limited

Date of Breaches:	02-August-2013
Nature of Complaints:	Licensees were advised by letter dated August 2, 2013 that they are in breach of Section 8.2 of their Subscriber Television licences for transmitting programmes for which they have not entered into an agreement with the provider.

Nature of Breaches:	Failure to provide channel listing and documentation evidencing permission to transmit channels on their subscriber television service.
Commission Decision:	Licensees found in breach
Status:	Licensees to provide evidence of authorization from rights owners.

BREACH OF BRRRA – Failure to Comply with Directions

1. St. Thomas Cable
2. Venus Cable
3. Total cable
4. Ques 46 Limited

Date of Breaches:	05-August-2013
Nature of Complaints:	Licensees to provide requested channel listing and documentation evidencing permission to transmit channels on their STV service, despite being issued with Notices of Breach.
Nature of Breaches:	Failure to provide channel listing and documentation evidencing permission to transmit channels on their subscriber television services.
Commission Decision:	Licensees in breach of BRRRA
Status:	After August 30, 2013 an assessment will be made and actions initiated.

BREACH OF LICENCE

Intention to Recommend Suspension of Licence

1. Starcom ~~C~~eablevision
2. Cable One Jamaica Ltd.
3. Marimax Communications
4. Tru- Star Cable Television

Date of Breaches:	02-August-2013
Nature of Complaints:	Licensees were requested by letter dated August 2, 2013 to provide channel listing and documentation evidencing permission to transmit channels on their STV services.
Nature of Breaches:	Failure to comply with directives from Commission contained in advisory issued on March 6, 2013, requesting channel listing & documentation evidencing permission to transmit channels on their STV service.

Commission Decision: Licensees found in breach of **Section 20(1) (a)**
of the **BRA**
Status: Licensees given until August 31, 2013 to
respond.

**BREACH OF TSBR- Channels Transmitted Without evidence
of programming permission**

Astra Technology

Date of Breaches: 02-August-2013
Nature of Complaints: Licensee transmitting Channel without
permission.
Nature of Breaches: Licensee's copyright documentation
determined that it was transmitting a channel
without authorization.
Commission Decision: Licensee found in breach of **TSBR** and the
Copyright Act.
Status: Licensee directed to cease transmission
immediately until rights-owner authorization is
obtained and evidence submitted to the
Commission.

**** 'Date of Breach' is meant to indicate the date on which the Commission made a
determination that there was a contravention by the licensee, pursuant to Section 20 of
the Broadcasting and Radio Re-diffusion Act**